

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jenzo Duque	Team: Squad #9	CCRB Case #: 201804528	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 04/02/2018 4:00 PM, Thursday, 04/12/2018	Location of Incident: In the vicinity of West 48th Street and 7th Avenue	Precinct: 18	18 Mo. SOL 10/2/2019	EO SOL 10/2/2019	
Date/Time CV Reported Tue, 05/29/2018 1:52 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 06/07/2018 1:32 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Mathimohan Mohandas	11894	954142	PBMS
2. POM David Lachmenar	21671	955034	PBMS

Officer(s)	Allegation	Investigator Recommendation
A.POM Mathimohan Mohandas	Discourtesy: On April 2, 2018, Police Officer Mathimohan Mohandas spoke discourteously to § 87(2)(b)	
B.POM Mathimohan Mohandas	Discourtesy: On April 12, 2018, Police Officer Mathimohan Mohandas spoke discourteously to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

§ 87(2)(b) filed this complaint with the CCRB in person on May 29, 2018.

On April 2, 2018, at approximately 9:25 p.m., in the vicinity of West 48th Street and 7th Avenue in Manhattan, Police Officer David Lachmenar of Patrol Borough Manhattan South issued a summons to § 87(2)(b) for vending in a prohibited area. PO Lachmenar's partner, Police Officer Mathimohan Mohandas then allegedly referred to § 87(2)(b)'s property as "shit" and stated, "Take your shit," to § 87(2)(b) (**Allegation A: Discourtesy**, § 87(2)(g))

On April 12, 2018, at approximately 4:50 p.m. in the vicinity of 48th Street and 7th Avenue in Manhattan, PO Lachmenar issued a summons to § 87(2)(b) for vending within one foot of a crosswalk. PO Mohandas then allegedly referred to § 87(2)(b)'s property as "shit" and stated, "Take your shit," to § 87(2)(b) (**Allegation B: Discourtesy**, § 87(2)(g))

On April 12, 2018, at approximately 4:50 p.m. in the vicinity of 48th Street and 7th Avenue in Manhattan, PO Lachmenar issued a summons to § 87(2)(b) for vending within one foot of a crosswalk. § 87(4-b), § 87(2)(g)

§ 87(2)(b) was issued two summonses for these incidents: Summons #§ 87(2)(b) (Board Review 01) and Summons #§ 87(2)(b) (Board Review 02), respectively. There was no video footage available for either of these incidents.

Findings and Recommendations

Allegation (A) Discourtesy: On April 2, 2018 PO Mohandas spoke discourteously to § 87(2)(b)

§ 87(2)(b) It is undisputed that on April 2, 2018, at approximately 9:25 p.m., in the vicinity of West 48th Street and 7th Avenue in Manhattan, PO Lachmenar issued a summons to § 87(2)(b) for vending in a restricted area. PO Mohandas then allegedly referred to § 87(2)(b)'s property as "shit" and stated, "Take your shit," § 87(2)(b)

According to § 87(2)(b)'s verified statement (Board Review 03), § 87(2)(b) is a self-employed street artist § 87(2)(b). When PO Mohandas made discourteous statements towards him, § 87(2)(b) was the only individual present, besides PO Lachmenar.

In PO Mohandas's statement to the CCRB (Board Review 04), PO Mohandas did not have an independent recollection of encountering § 87(2)(b) on the incident date. When shown a photograph of § 87(2)(b) PO Mohandas acknowledged recognizing him and having had interactions with him in the past. When shown a copy of the summons PO Lachmenar issued to § 87(2)(b) PO Mohandas stated that he still had no independent recollection of encountering § 87(2)(b) PO Mohandas had no memo book entries pertaining to an interaction with § 87(2)(b)

In PO Lachmenar's statement to the CCRB (Board Review 05), PO Lachmenar and PO Mohandas observed § 87(2)(b) selling paintings in a prohibited area on the incident date. PO Lachmenar issued a summons to § 87(2)(b) while informing him that he was not allowed to vend in the area. PO Lachmenar told § 87(2)(b) to leave the area and § 87(2)(b) complied. § 87(2)(g)

§ 87(2)(b) was the only vendor in the area and there were no civilian customers present. PO Lachmenar did not recall any conversation between PO Mohandas and § 87(2)(b). PO Lachmenar denied hearing PO Mohandas refer to § 87(2)(b)'s property as "shit." PO Lachmenar denied hearing PO Mohandas state, "Take your shit," to § 87(2)(b).

§ 87(2)(g)

Allegation (B) Discourtesy: On April 12, 2018, PO Mohandas spoke discourteously to

§ 87(2)(b)

It is undisputed that on April 12, 2018, at approximately 4:50 p.m. in the vicinity of 48th Street and 7th Avenue in Manhattan, PO Lachmenar issued a summons to § 87(2)(b) for vending within one foot of a crosswalk. PO Mohandas then allegedly referred to § 87(2)(b)'s property as "shit" and stated, "Take your shit," to § 87(2)(b).

According to § 87(2)(b)'s verified statement (Board Review 03), When PO Mohandas made discourteous statements towards him, § 87(2)(b) was the only individual present, besides PO Lachmenar.

In PO Mohandas's statement to the CCRB (Board Review 04), PO Mohandas and PO Lachmenar observed § 87(2)(b) spray painting and vending near a crosswalk. PO Mohandas asked § 87(2)(b) for his identification so he could issue him a summons. § 87(2)(b) did not want to leave the area, but he did not object to the summons issuance. PO Mohandas told § 87(2)(b) he could not vend in a crosswalk twice. PO Mohandas told § 87(2)(b) to leave the area one time and § 87(2)(b) complied. Approximately five minutes passed between when PO Mohandas approached § 87(2)(b) and when § 87(2)(b) left the area. § 87(2)(b) was not the only vendor in the vicinity. PO Mohandas did not recall if customers were present. PO Mohandas denied referring to § 87(2)(b)'s property as "shit." PO Mohandas denied stating, "Take your shit," to § 87(2)(b). No other officer used any profanity while on scene. PO Mohandas documented the summons issuance with a memo book entry.

In PO Lachmenar's statement to the CCRB (Board Review 05), PO Lachmenar initially stated he did not have an independent recollection of an incident involving § 87(2)(b) on the incident date. When shown a copy of a summons issued to § 87(2)(b) prepared by himself, PO Lachmenar stated that he and PO Mohandas observed § 87(2)(b) spray painting and vending near a crosswalk. PO Mohandas asked § 87(2)(b) for his identification so he could issue him a summons. PO Mohandas told § 87(2)(b) to leave the area. § 87(2)(b) complied with PO Mohandas's commands and left the area without objecting. PO Mohandas did not raise his voice while speaking with § 87(2)(b) and remained calm throughout the incident. PO Lachmenar did not recall whether civilian customers were present during the incident. PO Lachmenar denied hearing PO Mohandas refer to § 87(2)(b)'s property as "shit." PO Lachmenar denied hearing PO Mohandas state, "Take your shit," to § 87(2)(b). PO Lachmenar denied hearing PO Mohandas direct any profanity at § 87(2)(b) at any point during the incident. PO Lachmenar had no memo book entries pertaining to an interaction with § 87(2)(b).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g), § 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints and has been named a victim in two allegations (Board Review 07).
- PO Mohandas has been a member of service for five years and has been a subject in five complaints and ten allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A FOIL request was sent to the New York City Comptroller's Office and as of the writing of this report, the office has not yet replied.

§ 87(2)(b) § 87(2)(c)

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____

	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date